IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 685 of 2005

Between:

1 Mode Padmamma W/o Venkata Subbaiah
R/o Chennur Village, Dagadarthi mandal, Nellore District
2 Bojja Venkateswaralu S/o Mogalaiah
R/o Chennur Village, Dagadarthi mandal, Nellore District
3 Bojja Vijay Kumar S/o Mogalaiah
R/o Chennur Village, Dagadarthi mandal, Nellore District

..... PETITIONERS

AND

1 The Joint Collector, Nellore.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, Writ or direction more particularly a Writ of Mandamus Under Article 226 of Constitution of India declaring the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dated 17-12-2004 filed against the orders of 2nd respondent in his proceedings RCK No. 1024/04/DGT/Chennur/ 1045/04 dated nil served on the petitioners on 12-01-2005 in respect of an extent Acs. 3.96 cents in Survey No. 739/3 and 739/5 of 1st Petitioner, Acs. 3.98 cents in Survey No. 738/2 and 738/1 of the 2nd petitioenr and acs. 1.88 cents in Survey No. 733/3 and Acs. 1.98 cents in Survey No. 732/4 of the 3rd petitioner situated in Chennur Village, Dagadarthi Mandal, Nellore District Pending the statutory appeal, dated 22-01-2005, the further action of the respondents 2 & 3 in seeking to

dispossess the petitioners from the above said extent of land as illegal, arbitrary, unjust and consequently suspend the orders of the 2nd respondent in his proceedings RCK No. 1024/04/DGT/Chennur/1045/04 dated nil pending the appeal before the 1st respondent.

Counsel for the Petitioners: Mr.P.SRIDHAR REDDY

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 685 of 2005

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for the Respondents and both of them agreed for disposal of the writ petition at the stage of admission.

The case of the petitioners is that the land bearing Survey Nos.739/3, 739/5, 738/2, 738/1, 733/3, 732/4 situated at Chennur village, Dagadarthi Mandal, Nellore District was allotted to them and that the respondents 2 and 3 after conducting due enquiry, granted lease pattas in favour of petitioners by his proceedings dated 8.4.2003. It is stated that the second respondent by his proceedings dated 12.1.2005 has cancelled the said pattas. Aggrieved thereby, petitioners said to have filed appeal before the first respondent together with an application for stay of the said cancellation order. The grievance of the petitioners in this writ petition is that the first respondent has not passed any orders either on the appeal or on the stay application, and pending same, the respondents are trying to evict the petitioners from the land in question. Hence the writ petition.

Since the appeal filed by the petitioners is pending before the first respondent, I deem it appropriate to dispose of the writ petition directing the first respondent to consider and dispose of the appeal preferred by the petitioners, and pass appropriate orders thereon in accordance with law. Till passing of orders on the said appeal or the stay application by the first respondent, status quo obtaining as on today shall be maintained by the parties in respect of the land in question.

With the above directions, the writ petiton is disposed of. No costs.

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N.V.RAMANA, J

Date: 24.1.2005

Note: Wire at Party's costs.

B/o

DA/KSR

To

1 The Joint Collector, Nellore.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi Mandal, Nellore District.

4 Two CCs to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).

5 Two CD copies.